

**REMARKS**

The above amendments are to form and not substance. No new matter is introduced thereby and no new issue is raised and thus entry thereof is requested respectfully.

As maintained in the record, and as recited in the claims, antigen specifically can be obtained by at least one CDR, such as the recited V<sub>H</sub> CDR3, in the isolated antibody. SEQ ID NOS: 2 and 4 of the instant specification exemplifying such at least one CDR selected from CDR1, CDR2 or CDR3 of the V<sub>H</sub> of an exemplified antibody, or CDR1, CDR2 or CDR3 of the V<sub>L</sub> of an exemplified antibody.

Attached hereto is a copy of a newly discovered reference, U.S. Patent No. 6,692,908. According to the face page of the '908 patent, the patent matured from U.S. Ser. No. 09/430,489 which is a continuation-in-part of U.S. Serial No. 09/187,057 filed 5 November 1998. The file wrapper of the '908 patent has not been reviewed so it is unknown whether the claims thereof would obtain benefit to the 5 November 1998 filing date of the '057 application.

The instant application has an effective filing date of 20 July 1999. Thus, if the claims of the '908 patent do not receive benefit to the filing date of the '057 application, the '908 patent is not an effective reference of the instant application.

If arguendo, the '908 patent were to receive benefit to the 5 November 1998 filing date of the '057 application, the '908 patent still would not be an effective reference of the instant application because priority of the instant application is to the 21 July 1998 date of EP 98113595.7. Attached hereto is a copy of EP 98113595.7, which was filed in English.

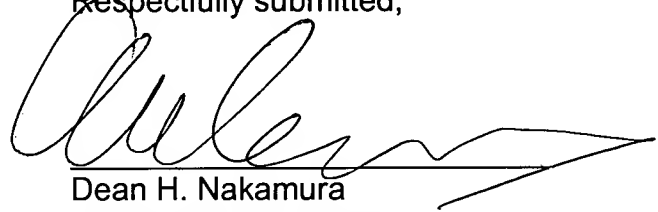
However, perhaps notably, the claims of the '908 patent relate to particular antibodies and to epitopes recognized by such antibodies. It is noted in the text of the

Applicant: Christian REITER et al.  
Application No. 09/744,176  
Attorney Docket No. 105032-991190

'908 patent that the relevant antibodies were not deposited for enablement and written description purposes until 18 June 2002. Thus, it may be that the claims of the '908 patent are a reference as of the 18 June 2002 deposit date. Therefore, for all those reasons, the '908 patent is not an effective reference of the instant application.

Finally, attached hereto are formal drawings addressing the issues raised.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dean H. Nakamura', written over a horizontal line.

Dean H. Nakamura  
Registration No. 33,981

GRAY CARY WARE & FREIDENRICH LLP  
1625 Massachusetts Avenue, N.W.  
Suite 300  
Washington, D.C. 20036-2247  
Telephone: (202) 238-7725  
Facsimile: (202) 238-7701

Date: July 20, 2004